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REVISED

December 20, 2011

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

13 December 20, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

STATE LEGISLATIVE AGENDA FOR THE SECOND YEAR OF THE 2011-12 SESSION (ALL SUPERVISORIAL DISTRICTS AFFECTED) (3 VOTES)

SUBJECT

The following recommendations represent the updated policies and proposals for the second year of the 2011-12 Legislative Session, which were developed in coordination with your Board Offices, County departments, the Legislative Strategist and the Sacramento advocates. This package, together with other positions previously adopted by your Board, will guide the County's advocacy efforts in Sacramento.

THEREFORE, IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the attached additions, deletions, and changes to existing Board-adopted policies and positions for inclusion in the 2011-12 State Legislative Agenda.
2. Instruct the Chief Executive Officer (CEO), affected departments, the Legislative Strategist, and the Sacramento advocates to work with the Los Angeles County delegation, other counties and local governments, and interest groups to pursue these policies, positions, and priorities in the State Legislature and with the Administration and its agencies.

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PURPOSE/JUSTIFICATION OF RECOMMENDED ACTIONS

The recommended changes seek to minimize the adverse impact of State actions on the County, achieve greater flexibility over the use of State funds, protect revenue sources for County-provided services, secure State financial assistance whenever possible, and promote the growth of the State and local economy.

FISCAL OUTLOOK

On June 30, 2011, Governor Brown signed the FY 2011-12 State Budget Act. The \$86.0 billion budget package and related budget trailer bills were adopted by the Legislature on a majority vote with no Republican support. After vetoing a budget package passed by the Legislature in early June and after failing to come to agreement with the Republican Leadership, the Governor negotiated a revised budget plan with the Democratic Leadership which: 1) included an estimated \$5.9 billion in additional budget reductions; 2) redirected \$5.5 billion in State sales tax and vehicle license fee revenues to fund the 2011 Public Safety Realignment; 3) assumed \$4.0 billion in increased revenue; and 4) imposed major triggered reductions if specific revenue projections do not materialize by December 2011. **Overall, the County experienced a loss of approximately \$363.3 million in FY 2011-12.**

The FY 2011-12 State Budget Act includes \$4.0 billion in revenue assumptions, and if the revenue projections fail to materialize, a series of trigger reductions will be enacted to cover the shortfall. Specifically, the State Budget Act directs the Director of Finance to make a determination, by December 15, 2011, as to whether the \$4.0 billion in additional revenue collections will be reached. If projections fall short of the revenue benchmarks, the Department of Finance is authorized to make up to \$2.5 billion in additional expenditure reductions beginning in January 2012. **The reductions would be implemented in two tiers and would result in the loss of an additional \$380,000 to the County. In addition, the trigger cuts would include a 20.0 percent across-the-board reduction to In-Home Supportive Services (IHSS), which may result in a potential loss of millions of dollars to the Department of Health Services for health care coverage for IHSS providers. We are working with affected departments to determine the actual impact to the County.**

On November 16, 2011, the Legislative Analyst's Office (LAO) released its fiscal outlook which projects that State General Fund revenues will be \$3.7 billion below the revenue assumptions for FY 2011-12. If the LAO's projected shortfall is also reflected in the revenue projections generated by the Department of Finance in mid-December, the LAO assumes that \$2.0 billion in trigger cuts will be enacted. Assuming revenue estimates hold true, the LAO projects that there will be a remaining State Budget

shortfall of \$3.0 billion through the end of FY 2011-12. The LAO further projects a shortfall of \$9.8 billion in FY 2012-13 due to several factors including: 1) \$5.6 billion in increased K-12 education costs (Proposition 98); 2) \$2.0 billion from the repayment of the Proposition 1A of 2004 property tax loan from counties used to balance the State Budget in 2009; and 3) \$1.0 billion in loan payments to various special funds. As a result, the LAO indicates that the Administration and the Legislature will need to address a \$12.8 billion deficit through June 2013.

The Legislative Analyst's Office's out-year budget projections show shortfalls of between \$8.0 billion and \$9.0 billion per year in FY 2013-14 and FY 2014-15, gradually declining to about \$5.0 billion by FY 2016-17. While these shortfalls are lower than projected in last year's fiscal outlook, the LAO indicates that few options remain for the State to address these continuing deficits and revenue increases and/or deeper service cuts will be necessary to balance future budgets.

The Legislative Analyst's Office's fiscal outlook did not consider the potential impact of any future State ballot measures to raise revenue, the outcome of ongoing litigation involving the State, or measures that may be proposed by President Obama or the U.S. Congress to address the \$15.0 trillion Federal Budget deficit. However, the LAO predicts that the ongoing recovery of the U.S. and California economies will continue to progress slowly with California's unemployment rate remaining above 10.0 percent through mid-2014. Furthermore, the LAO indicates that given the ongoing State Budget deficits and resulting focus of the Legislature and Administration on solving short-term budget problems on a year-to-year basis; larger and longer-term State fiscal issues such as pension liabilities and retiree health costs remain unaddressed.

COUNTY LEGISLATIVE PRIORITIES

Due to the State's continuing fiscal problems, the realignment of programs under the 2011 Public Safety Realignment, and the ongoing implementation and financing of health care reform, our advocacy efforts in 2012 will be concentrated on the priorities listed below.

State Budget. Given the State's ongoing budget issues, the revenue outlook for this fiscal year and beyond, and the uncertain economic environment at both the State and national levels, the County will continue to focus its advocacy efforts on the preservation of State funding. **The County will continue to support adequate and protected funding for programs it operates on behalf of the State, and will pursue a partnership with the Administration and the Legislature to address potential State funding reductions in which the County assumes a fair share of budget cuts, if**

they are developed with our active participation in designing long-term budgetary solutions.

Constitutional Amendment for the 2011 Public Safety Realignment. On March 1, 2011, your Board approved a motion instructing the CEO to work with the Administration and the Legislature to pursue constitutional protections for any programs or responsibilities realigned from the State to counties as part of Governor Brown's realignment proposals. Without constitutionally guaranteed revenue sources and other protections, the County could face future funding instability and increased costs to administer realigned programs. The FY 2011-12 State Budget Act enacted the 2011 Public Safety Realignment, but did not include the constitutional protections sought by the County. In signing the State Budget, Governor Brown indicated that he intended to place an initiative on the November 2012 ballot to seek voter approval to constitutionally protect funding for public safety realignment. **The County will continue to advocate for a constitutional amendment that protects funding for the 2011 Public Safety Realignment and: 1) ensures a permanent and continuous appropriation of the specified revenue sources to be used for realigned programs; 2) addresses funding adequacy as it relates to the realigned programs; 3) guarantees that additional programmatic responsibilities are not shifted to counties unless adequate funding is also provided; and 4) prohibits the State from imposing regulations, administrative orders and other actions that increase the cost to counties of operating the realigned programs without providing additional and protected funding to offset the increase.**

2011 Public Safety Realignment Funding Allocations and Implementation Issues. On June 30, 2011, Governor Brown signed AB 118 (Chapter 40, Statutes of 2011) which established the fiscal structure for the 2011 Public Safety Realignment. However, the structure was defined for FY 2011-12 only, and left the funding methodologies for FY 2012-13 and future years open to review and revision. The County actively engaged with the State and other counties during the negotiations of the FY 2011-12 allocation formulas to ensure the County received an equitable share of the total funding based on estimated caseload. Discussions will begin over the next several months to develop funding allocation formulas for FY 2012-13 and beyond. In addition, as implementation of the 2011 Public Safety Realignment proceeds, various issues have been identified that would require technical changes, clarifications and modifications to the original legislation. **The County will continue to strongly advocate for fair and adequate funding allocations that reflect caseload costs and impact to the County to operate the realigned programs, and will pursue clean-up realignment legislation to ensure implementation issues are addressed.**

Future Realignment Efforts. As part of Governor Brown's realignment proposals released in January 2011, two phases of realignment were outlined. The first phase, enacted by the 2011 Public Safety Realignment, included a shift in responsibility from the State to counties for a number of public safety and health and human services programs such as mental health, adult protective services, foster care and child welfare services, and adoption services. In discussions of the second phase of realignment, the Governor indicated that due to Federal health care reform an increasing number of low-income individuals currently served in the county health system will become eligible for Medi-Cal. This will constitute a natural shift of costs from counties to the State. According to the Administration, this will necessitate a reexamination of the 1991 Realignment and decisions regarding the most appropriate level of government to provide health-related and other programs. Details regarding future realignment efforts have not been released. **The County will oppose any efforts to realign additional programs and responsibilities to counties without negotiating directly with the counties. Further, the County will oppose any effort to realign programs unless the State provides: 1) full funding including growth measures from guaranteed and protected funding sources; 2) local control and flexibility; and 3) protections that prohibit the State from increasing programmatic responsibility and costs to counties without providing adequate funding.**

Health Care Reform Implementation and Financing. In 2012, the Administration, the Legislature and the newly created California Health Benefits Exchange are expected to make a series of key policy decisions that will create California's structure for Federal health care reform for implementation in 2014. Elements of the legislative package are expected to include, but not be limited to, provisions for: 1) the expansion of Medi-Cal coverage, including eligibility and scope of services; 2) the development of a single point of entry for enrollment to health care benefits, including information technology; 3) the administration and delivery of services; and 4) employer requirements. **The County will work with the Administration, the Legislature and affected stakeholders to develop policies and priorities to implement Federal health care reform which will: 1) provide for the seamless transition of existing delivery systems, provider network and patient services; 2) maintain and/or expand the County's long-term funding as a safety net provider; 3) establish an integrated, accessible, high-quality health care service delivery system; 4) establish a patient-centered, team-focused medical home model; and 5) promote the retention of covered members in the County health care delivery system.**

Pension Reform. Pension costs of State and local governments have climbed precipitously during the last decade, requiring an ever-increasing portion of already challenged budgets and threatening the funding of vital public services. This growth and its ramifications for future sustainability have resulted in the introduction of various

pension reform plans, including a plan by the Governor and the issuance of alternative reform proposals. On October 27, 2011, Governor Brown released a 12-point plan for pension reform and indicated that he will include the plan in a November 2012 ballot initiative. The Governor is currently working to build a broad-based coalition that includes labor groups, business and others to support his initiative efforts. **The County will review these reform proposals for impacts and will actively engage in a statewide pension reform discussion to protect the interests of County taxpayers and employees in a fair, equitable and fiscally prudent manner.**

RECOMMENDED CHANGES TO THE COUNTY'S STATE LEGISLATIVE AGENDA

The changes in the attachment represent requests from County departments and commissions to add or modify policy statements consistent with their operational goals and plans. New policy statements represent emerging programs and issues for which we are seeking your Board's concurrence to guide future advocacy efforts. Some policies are no longer applicable, and therefore, have been removed. The recommended changes incorporate additions and modifications to policy statements for various items including: 1) support for proposals that reduce general litigation exposure arising from public works infrastructure; 2) inclusion of language related to the 2011 Public Safety Realignment; and 3) opposition to proposals that shift programs from the State to counties without local control and adequate funding.

All other previously adopted State Legislative Agenda policies and positions remain in effect; and as such, advocacy will continue on these matters. A revised comprehensive list of all State Legislative Agenda policy statements will be published subsequent to consideration of the changes included in this letter.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The proposed policies in the State Legislative Agenda are consistent with the County's Strategic Plan Goals of Operational Effectiveness and Fiscal Sustainability. Operational Effectiveness is achieved by providing timely advocacy on proposals that could significantly impact the County and support the delivery of efficient public services. Fiscal Sustainability results from efforts by the CEO, Sacramento advocates and County departments to maintain funding for critical County services and to oppose further program reductions or new unfunded mandates on County government.

CONCLUSION

The recommended additions, deletions and changes to existing Board-adopted policies are submitted for your Board's consideration for inclusion in the State Legislative

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Agenda for the second year of the 2011-12 Legislative Session. The CEO will ensure that all legislative positions pursued are communicated to your Board, and that Board offices are provided the opportunity for input on those positions. The policies and proposals contained in this package are in addition to, and are not intended to be exclusive of, other positions your Board may adopt. As in the past, the State Legislative Agenda will be updated to reflect subsequent Board actions.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:RA
MR:IGEA:sb

Attachment

c: Executive Office, Board of Supervisors
County Counsel
Auditor-Controller

RECOMMENDED STATE LEGISLATIVE POLICIES ADDRESSING ISSUES OF MAJOR COUNTY INTEREST

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GENERAL STATE LEGISLATIVE PRINCIPLES

5. ~~Support a constitutional amendment to provide that the State Budget and related bills can be approved by a majority vote. (Requested by the Chief Executive Office)~~

Justification: The enactment of Proposition 25 of 2010 changed legislative vote requirements to pass a State budget from two-thirds to a simple majority. Therefore, this policy is no longer needed.

10. **Support proposals for constitutional amendments that guarantee secure, adequate and permanent revenue and provide specific County protections for programs transferred from the State to counties. (Requested by the Chief Executive Office)**
11. **Oppose the transfer of programs from the State to counties unless program control and flexibility is also shifted and adequate State funding is guaranteed. (Requested by the Chief Executive Office)**

Justification: Approved by Board motions on March 1, 2011 and March 22, 2011. This policy will allow the County to support efforts to secure constitutional protection of funding for the 2011 Public Safety Realignment and other provisions to ensure additional programmatic responsibilities are not shifted to counties without adequate and secure funding.

1. CHILDREN AND FAMILIES

1.1 Child Welfare Services

19. **Support proposals which expand and enhance the technology used by child welfare agencies to improve child safety. (Requested by the Department of Children and Family Services)**

Justification: The Department of Children and Family Services (DCFS) indicates that child welfare agencies are limited to using a manual process to obtain criminal clearances from the California Law Enforcement Telecommunication System for emergency response services and emergency placements under current law. This manual process impedes obtaining information in a timely manner. DCFS indicates that criminal clearances are critical in assessing child safety and expediting a child's placement with relatives, and that allowing agencies the option of using an alternate state maintained database of criminal information would shorten the timeline for transmitting and receiving criminal clearances. This policy would allow the County to sponsor or support legislation that expands or enhances the technology used by child welfare agencies to improve child safety assessments.

2. ENVIRONMENT, NATURAL RESOURCES AND RECREATION

2.3 Environmental Protection and Open Space

3. Support **proposals to streamline the permitting process and provide funding for the control, removal and/or eradication of invasive species that negatively affect natural landscape, and open space areas, water quality, and water supply. (Requested by the Department of Public Works)**

Justification: The Department of Public Works indicates that exotic plant species such as Arundo Donax (Giant Reed) and Tamarisk (Salt Cedar) consume large quantities of water. Their presence in lakes, reservoirs and streambeds in the County can adversely impact water quality and supply in the region as well as habitat. Eradication of such species would free up additional locally-generated water for beneficial uses. Streamlining the permit process for eradication efforts by simplifying the environmental documentation and application requirements would be beneficial for the environment and the County's water supply.

2.4 Parks

12. **Support proposals to fund programs at park facilities that build social connections between parents and their community and to provide information about child development and effective parenting strategies. (Requested by the Department of Parks and Recreation and the CEO Office of Child Care)**

Justification: The Department of Parks and Recreation indicates that parks offer unique opportunities to reach families with young children and to share resources about child development. This recommendation would allow the County to support proposals to fund programs that help build communities of families with young children that are mutually supportive and create environments for parents to learn more about child development and to enhance their skills as parents. This recommendation is consistent with the implementation of the Child Care Policy Framework for 2011-2013 and is supported by the Los Angeles County Child Care Policy Roundtable.

2.6 Water Supply

5. Oppose legislation that would create unrealistic requirements that impede the construction of water facilities **in improved and developed areas, or reduce the supply of non-imported water to improved and developed areas. (Requested by the Department of Public Works)**

Justification: The Department of Public Works indicates that the State and Federal agencies are being driven to become more earnest in their management and regulation of habitat lands and fisheries due to increasingly aggressive third-party lawsuits. The County Flood Control District and local water entities are

concerned that statutory and regulatory requirements from these agencies will result in less locally generated water being captured, saved and made available to meet the needs of residents and businesses. As similar requirements are now impacting delivery of imported water, the continued development of local water supplies is ever more critical. The proposed language will allow the County to oppose attempts to restrict the capture, access and use of locally generated water without accounting for the impacts of new regulatory requirements.

2.7 Recycling and Waste Reduction

2. ~~Support proposals to correct deficiencies in State waste disposal reporting requirements, which may unreasonably cause a local agency to fail to achieve the State's fifty percent waste reduction mandate.~~ **(Requested by the Department of Public Works)**

Justification: The Department of Public Works indicates that the State has largely addressed this issue over the past years, most significantly through the enactment of SB 1016 (Chapter 343, Statutes of 2008). Therefore, this policy is no longer needed.

15. ~~Support legislation which promotes market development and manufacturer stewardship of products made of alternatives to polystyrene~~ **would reduce the negative environmental impacts of single use items, such as expanded polystyrene food containers by: 1) shifting the burden of addressing those impacts away from residents and the County and toward the manufacturers of those products; 2) promoting more sustainable alternatives to such items; and 3) phasing out the use of those items on a statewide basis when environmentally preferable alternatives are available.** **(Requested by the Department of Public Works)**

Justification: The Department of Public Works indicates that the current policy may be confusing as it relates to single use items such as expanded polystyrene food containers. The proposed language promotes extended producer responsibility for these products causing a disproportionate impact, and promoting alternatives to those products. The recommended change is consistent with previous Board actions to support AB 820 of 2007 and SB 568 of 2011 that prohibit food vendors from dispensing prepared food to a customer in polystyrene foam food containers. The proposed language will also allow the County to support legislation that would reduce costs associated with litter prevention, public education, cleanup, disposal and enforcement, as well as improve the quality of life of County residents.

19. **Support legislation that would exempt soils from undeveloped watersheds, such as lands in wilderness parks or open space properties, from testing requirements at landfills and streamline the process for landfills to accept clean soil for cover purposes or**

**beneficial uses such as construction fill material for building roads.
(Requested by the Department of Public Works)**

Justification: The Department of Public Works indicates that the Regional Water Quality Control Board has implemented regulations that set stricter requirements and testing for material that would be used for landfill cover. The County Flood Control District, in an effort to get exemptions to use sediment excavated from flood facilities that have undeveloped watersheds such as: lands in the Angeles National Forest, wilderness parks, or open space properties, tested material from several of its foothill depositories for these facilities to demonstrate the cleanliness of the sediment. Although the testing confirmed the material from these facilities is well within the Regional Board's thresholds, the agency has refused to incorporate an exemption into its requirements. This policy would allow the County to support legislation that would provide the exemption for the clean material for beneficial uses and streamline the use for landfill cover without exposing the Regional Board or the landfills to liability.

20. **Oppose legislation which bans new hazardous materials from landfill disposal unless the proposals also provide a funding mechanism and/or establish programs and guidelines for local governments to manage the banned materials. (Requested by the Department of Public Works)**

Justification: The Department of Public Works indicates that the County supports legislation that prevents harmful materials from entering a landfill; however, when new materials are banned from landfills the cost of dealing with these materials can potentially cause a financial burden, especially when a mechanism to address the materials in question is not provided. This policy would allow the County to oppose proposals that do not provide a mechanism to adequately address the materials in question and/or provide reimbursement for costs to manage the disposal of these banned hazardous materials.

3. GENERAL GOVERNMENT

3.1 Retirement, Compensation and Benefits, and Workers' Compensation

12. ~~Support legislation to allow any Los Angeles County employee who becomes permanently incapacitated in the performance of their duty as a direct consequence of an injury or disease arising out of active service while on military leave, to be eligible for retirement for non-service connected disability regardless of age and years of service or surviving spouse. (Requested by Los Angeles County Employees Retirement Association. The Chief Executive Office and the Sheriff's Department concur.)~~

Justification: The Los Angeles County Employees Retirement Association (LACERA) indicates that this policy is no longer necessary because of the enactment of AB 1739 (Chapter 83, Statutes of 2010).

13. **Support legislation to authorize local governments to implement retirement changes which may include: 1) a limitation on bonuses and other extraordinary pay such as overtime which may be included in pensionable income; 2) a revision of "final compensation" for purposes of calculating a retiree's pension from the highest one year to the average of the highest three years; 3) changes to retiree health plans to enable the County to adjust the design of the health plans to assist in controlling costs; and 4) coordination of benefits between disability retirement and workers' compensation permanent disability to prevent overlapping payments for the same disability. (Requested by the Chief Executive Office)**

Justification: On October 27, 2011, Governor Brown released a 12-point package of proposed reforms applicable to State, local, school and other public employers; new public employees; and current employees as an effort to control escalating pension costs. This policy will allow the County to continue to review efforts to maintain fair and equitable benefits for employees and retirees while limiting pension-related expense in the most prudent and fiscally sound way possible.

3.4 Consumer Protection

11. **Oppose legislation that exempts any commercially-used weighing or measuring device, packaged commodity, petroleum product, automated retail checkout system or business transactional operation from laws and regulations applicable to these items under Weights and Measures regulatory activities. (Requested by the Department of Agricultural Commissioner/Weights and Measures)**

Justification: The Department of the Agricultural Commissioner/Weights and Measures indicates that existing laws and regulations are applicable to all forms of weighing/measuring devices, packaged goods, and business practices in order to provide equal protections to consumers and business operators. In recent years, several attempts have been made by varying business entities to seek exemptions from such laws, alleging that self-oversight within the respective industry is sufficient to provide consumer protection. In order for Weights and Measures officials to ensure adequate and equal protections to consumers and competitors in all forms of business transactions, it is imperative that all such operators be subject to equivalent levels of regulatory oversight. This policy would allow the County to oppose legislation to carve out specific industry sectors from the regulatory oversight provided to all other forms of transactional operations.

3.16 Elections and Voting

4. **Support legislation to require the Secretary of State to issue voting system guidelines and test specifications for approval of new voting systems. (Recommended by the Registrar-Recorder/County Clerk)**

Justification: The Registrar-Recorder/County Clerk indicates that the Secretary of State conducted a top-to-bottom review (TTBR) in 2007 of many of the voting systems certified for use in California. The review established new requirements for voting system approval in the State. Since the TTBR, the Secretary has not issued voting system guidelines or test specifications for new voting systems; instead, that office has focused its attention on placing conditional use procedures on existing voting systems. In order that the new voting systems be designed to adhere to all State requirements, the County and other stakeholders interested in the development and implementation of new voting systems require clear testing guidelines and specifications from the State. Without these voting system guidelines, the County will be impeded in the development and implementation of a new voting system.

3.17 Liability Protection and Mitigation

1. **Support proposals to mitigate the effects of joint and several liability upon public entities by limiting liability to any party to be responsible for their own proportion of damages. (Requested by the Department of Public Works. County Counsel concurs with this policy.)**
2. **Support proposals to strengthen the statutory immunities associated with the operation of public infrastructure such as immunities under Government Code Section 830 et seq. (Requested by the Department of Public Works. County Counsel concurs with this policy.)**
3. **Support proposals that limit post judgment interest and/or that provide public entities with flexibility in paying judgments over time. (Requested by the Department of Public Works. County Counsel concurs with this policy.)**
4. **Support proposals to mitigate the effects of liability upon public entities by applying the doctrine of comparative fault to inverse condemnation actions. (Requested by the Department of Public Works. County Counsel concurs with this policy.)**

Justification: The Department of Public Works indicates that there has been a substantial increase in litigation expenses due to settlement/judgment costs associated with infrastructure maintained by the County. Most states have adopted a cap on government liability to protect taxpayers from exorbitant judgments. DPW also indicates that there are opportunities, including potential County-sponsored proposals, to make legislative changes that will have the effect of reducing expenses and allowing for a more equitable means of covering the expense of a judgment over time.

4. HEALTH

4.1 Financing of the Safety Net

2. **Support proposals to provide additional reductions in, or elimination of, the Disproportionate Share Hospital Administrative fee. (Requested by the Department of Health Services)**

Justification: The Department of Health Services indicates that the Disproportionate Share Hospital Administrative fee has been eliminated; therefore, this policy is no longer needed.

4. **Support proposals to phase-in a State match to fund intergovernmental transfers for the SB 855 (Chapter 279, Statutes of 1991) Program. (Requested by the Department of Health Services)**

Justification: The Department of Health Services indicates that with the approval of the Federal 1115 Medicaid waiver this policy is no longer needed.

16. **Support proposals which provide funding for the new Martin Luther King, Jr. Hospital. (Requested by the Department of Health Services)**

Justification: The Department of Health Services indicates that the new Martin Luther King, Jr. Hospital will provide critical services to underserved, indigent County residents. This policy is necessary to support proposals to seek and protect funding for the hospital.

4.2 Emergency and Trauma Care

9. **Support proposals to allow sheriff and fire departments to receive reimbursement for helicopter search and rescue efforts. (Requested by the Sheriff's Department. The Fire Department concurs with this policy.)**

Justification: According to the Sheriff's Department, existing law imposes additional fees on traffic tickets and other fines to reimburse air ambulance operators for the costs of providing helicopter medical response. To access this reimbursement mechanism, responding aircraft must be Medi-Cal eligible. The search and rescue aircraft operated by the sheriff and fire departments is not considered air ambulance, is not Medi-Cal eligible and therefore these departments cannot access current air ambulance funding. This policy would allow the County to support or pursue legislation seeking reimbursement to help cover the costs associated with emergency air search and rescue efforts.

4.4 Health Insurance and Coverage

15. **Support proposals to restore and protect funding for Adult Day Health Care programs and/or suitable alternatives. (Requested by the**

Department of Health Services and Department of Community and Senior Services)

Justification: The Adult Day Health Care (ADHC) program, which provides frail elderly and disabled individuals at risk of being placed in a nursing home with health, therapeutic and social services, was eliminated as a Medi-Cal option benefit in the FY 2011-12 State Budget Act. In the County, approximately 23,000 elderly and disabled adults are provided services under ADHC. This policy is needed to support proposals to restore funding for this or similar programs.

4.6 Public Health

9. Support measures which establish, enhance, or fund policies, programs, research, standards, educational curriculum, and public awareness campaigns that encourage physical activity, healthy eating, breast feeding, immunizations, **outpatient provider infection control practices**, availability of healthy and safe foods, **injury and violence prevention efforts such as suicide prevention, mental health awareness, anti-bullying and sexual exploitation of minors**, and reduce the prevalence of smoking and obesity. **(Requested by the Department of Public Health).**

Justification: The Department of Public Health indicates that these policy changes are needed for the following reasons: 1) outpatient practitioners perform a number of invasive procedures which are currently unregulated and need better education on infection control to reduce the outbreak of infectious diseases; and 2) injury and violence prevention comes under the umbrella of chronic disease prevention.

18. Support proposals that would prevent youth access to tobacco products by: 1) protecting anti-preemption language specified in the Cigarette and Tobacco Licensing Act of 2003 that explicitly allows local jurisdictions to pass tobacco retail licensing laws; 2) ~~imposing restrictions on internet sale of tobacco products~~ **limiting the promotion and availability of other tobacco products and electronic cigarettes**; and 3) restricting the sampling of tobacco products in bars and public events. **(Requested by the Department of Public Health)**

Justification: The Department of Public Health indicates that Federal law, the Prevent All Cigarette Trafficking Act of 2009, restricts the on-line sale of cigarettes; therefore, this policy item is no longer needed. However, the department notes that the tobacco industry is aggressively marketing the use of other tobacco products including little cigars, cigarillos, and snus which pose health risks to youth, and also indicates that electronic cigarettes operate using a nicotine-containing solution which creates a mist when inhaled. Various government, health and consumer groups have raised concerns with the use of electronic cigarettes which manufacturers claim are a safe alternative to smoking. Existing law prohibits the sale of electronic cigarettes to minors; however, the Department

of Public Health indicates that proposals to further restrict and regulate the sale of these products are needed.

27. ~~Support proposals that would allow for the reporting of HIV-Tuberculosis co-infection on forms sent to the State Department of Public Health and the Centers for Disease Control and Prevention.~~ **(Requested by the Department of Public Health)**

Justification: The Department of Public Health indicates that AB 2541 (Chapter 470, Statutes of 2010) allows for the reporting of HIV-Tuberculosis co-infections on forms sent to the State and the Centers for Disease Control and Prevention; therefore, this policy is no longer needed.

4.8 Health Education and Training

10. **Support proposals that provide funding for the education and training of epidemiologists.** **(Requested by the Department of Public Health)**

Justification: The Department of Public Health indicates that there is a shortage of medical epidemiologists in the country and support for graduate programs in this field is essential to address this shortage.

4.11 Implementation of Health Care Reform

5. **Support proposals which define essential health benefits, pursuant to Federal health care reform, in a comprehensive manner that promote high-quality, patient-centered, and cost-effective health care service.** **(Requested by the Department of Health Services)**

Justification: The Department of Health Services indicates that the State must enact legislation to implement Federal health care reform and this policy would allow the County to support proposals which promote high-quality, cost effective health care.

4.12 Health Care Delivery System

1. **Support proposals to define medical homes as medical care based on the patient's health and behavioral health needs that are provided and coordinated by a multi-disciplinary team which includes, but is not limited to, physicians and nurses.** **(Requested by the Department of Health Services)**
2. **Support proposals to allow nurse practitioners, physician assistants, and/or similar personnel, to work independently with patients, as part of a physician-led multi-disciplinary team providing medical home/clinical care to patients.** **(Requested by the Department of Health Services)**

3. **Support proposals that provide funding for and promote services by an ambulatory care network as the provider of preventive outpatient services. (Requested by the Department of Health Services)**

Justification: The Department of Health Services indicates that these policies will allow the County to support proposals for the Department's Ambulatory Care Medical Home initiative which is designed to improve the quality of health care, lower health care costs, and reduce hospital admissions primary care.

4.13 Integrated Data Sharing

1. **Support proposals that create or expand integrated information sharing systems for health and human services programs. (Requested by CEO Service Integration Branch)**

Justification: The CEO Service Integration Branch (SIB) indicates that a significant barrier to providing effective health and human services to clients is the lack of a centralized, coordinated data sharing system. According to SIB, the implementation of a comprehensive data sharing health and human services system for county case workers would result in improved service delivery for clients by coordinating care for common clients and decreasing duplication of services. Currently, each County department has its own data system. This policy would allow the County to support proposals that create or expand the integration of data/information sharing systems.

6. JUSTICE AND PUBLIC SAFETY

6.1 General

19. ~~Support legislation to extend the sunset date for the definition of the crime grand theft of cargo goods. (Requested by the Chief Executive Office)~~

Justification: The enactment of SB 24 (Chapter 607, Statutes of 2009) removed the sunset date on the Penal Code section defining theft of cargo goods as grand theft and made the definition operative indefinitely. Therefore, this policy is no longer needed

27. ~~Support proposals to amend the criteria for Non-Revocable Parole status to disqualify individuals with known membership in a street gang. (Requested by the Chief Executive Office)~~

Justification: The enactment of the 2011 Public Safety Realignment shifted responsibility for supervision of certain offenders released from State prison to the counties by creating Post-Release Community Supervision and thereby eliminated Non-Revocable Parole. Therefore, this policy is no longer needed.

28. **Support proposals that address crimes against children including issues of Internet privacy, cyber bullying, sexting, sextortion and the strengthening of default settings to protect privacy of information sharing on social networking Websites and wireless devices. (Requested by the Inter-Agency Council on Child Abuse and Neglect (ICAN). The Department of Children and Family Services and the District Attorney's Office concur with this policy. This policy is supported by the Sheriff's Department.)**

Justification: The Inter-Agency Council on Child Abuse and Neglect (ICAN), in collaboration with County, City and State agency partners, is involved in efforts to combat human trafficking and cyber crimes against youth in the County. Specifically, technology and the Internet have led to the development of crimes, including sexting, sextortion, sex tourism, and cases involving perpetrators who meet child victims online and then arrange meetings to commit a sexual abuse crime. In addition, as is clear from frequent cases reported in the media, youth face a serious threat from cyber bullying. This policy is needed to support proposals aimed at addressing this relatively new class of technology-based crimes to help protect children.

6.6 Fire

2. Support legislation mandating and/or funding the installation of fire protection systems in new commercial, **multi-residential**, educational and institutional facilities. **(Requested by the Fire Department)**

Justification: The Fire Department indicates that the installation of fire protection systems has proven to save lives and property and mandating or funding the installation of fire protection systems in multi-residential developments, which is defined as any dwelling with two or more residential units, would help save lives and property.

7. Oppose proposals that impede the ability to **fight fires** or ensure timely weed hazard abatement through use of most effective methods to eliminate fire risks. **(Requested by the Department of Public Works. The Fire Department concurs.)**

Justification: The Department of Public Works indicates that in response to a third-party lawsuit, the U.S. Forest Service (USFS) proposed regulations that would restrict the use of fire retardants to avoid impacts to water quality. This regulation would apply not only to USFS forces but all other fire-fighting entities operating on National Forest lands and could be adopted by State and local fire-fighting entities.

The County Flood Control District is concerned that restricting the use of fire retardants could cause fires to be more widespread, leading to significant post-fire sediment and increased runoff, as seen in the 2009 Station Fire. Cleaning out

flood control facilities after a fire is expensive and it is increasingly difficult to obtain the regulatory clearances to perform cleanouts and to find places to deposit the sediment removed from these flood control facilities. Finally, the District is concerned about the greater number of homes and businesses that are impacted from post-fire mudflows. Often, the use of fire retardants outweighs the water quality impacts resulting from widespread fires, which are likely to be equal to or greater than the impacts from the use of fire retardants. The proposed language will allow the County to oppose proposals that impede the ability to fight fires including restrictions on the use of fire retardants.

6.7 Juvenile Justice

19. **Support proposals for new funding to increase access to quality child care and develop programs that strengthen parenting skills and promote optimal child development for pregnant and parenting youth involved in the juvenile justice system. (Requested by the Policy Roundtable for Child Care and CEO Office of Child Care. The Probation Department concurs with this policy.)**

Justification: The Policy Roundtable for Child Care and the CEO Office of Child Care indicate that a significant number of youth involved in the juvenile justice system are also parents or expectant parents. This policy would support legislative proposals that provide new sources of funding for parenting programs and child care access to help support and promote healthy and successful parenting among juvenile justice-involved youth.

6.8 Probation

5. **Support measures to hold convicted persons accountable for the costs of probation, Post-Release Community Supervision, and/or court-ordered mandatory probation services based on their ability to pay, and authorize collection by the California Department of Corrections and Rehabilitation and county sheriffs' departments of court-ordered financial obligations payable to counties and county agencies from State prisoners, County jail inmates, parolees and individuals under Probation supervision. (Requested by the Chief Executive Office with concurrence of the Probation Department).**

Justification: As a result of the 2011 Public Safety Realignment, several new populations will be supervised by the Probation Department. Changes to this policy add reference to the realigned populations and will allow the County to support proposals that address the supervision needs of the multiple categories of offenders supervised by the Probation Department. This policy also adds the correct title to the State Department of Corrections and Rehabilitation and adds reference to county sheriffs' departments that will take on a larger role in collection of fines and restitution as a result of the 2011 Public Safety Realignment.

9. Support legislation to authorize government agencies to exchange information regarding **individuals on probationers, Post-Release Community Supervision and/or court-ordered mandatory probation** to the full extent authorized by Federal law, while ensuring adequate due process protections. **(Requested by the Chief Executive Office with concurrence of the Probation Department)**
10. Support funding for adult probation, ~~programs~~ **Post-Release Community Supervision and court-ordered mandatory probation**, to reduce recidivism in the local and State criminal justice system. **(Requested by the Chief Executive Office with concurrence of the Probation Department)**
14. Support legislation specifically authorizing day reporting centers for probationers, **individuals under Post-Release Community Supervision and/or court-ordered mandatory probation** designed to increase supervision of probationers to ensure they receive appropriate types of program services and treatment. **(Requested by the Chief Executive Office with concurrence of the Probation Department)**
15. Support proposals to authorize the creation and operation of multi-disciplinary teams to share case information related to an adult probationer, **individuals under Post-Release Community Supervision and/or court-ordered mandatory probation** that is deemed appropriate to determine the proper treatment, supervision and disposition of that person. **(Requested by the Chief Executive Office with concurrence of the Probation Department)**

Justification: As a result of the enactment of the 2011 Public Safety Realignment, several new populations will be supervised by the Probation Department. Changes to these policies add reference to the realigned populations and will allow the County to support proposals that address the supervision needs of the multiple categories of offenders supervised by the Probation Department.

17. **Support proposals to provide funding to probation departments to conduct probable cause hearings for individuals under Post Release Community Supervision. (Requested by the Chief Executive Office with concurrence of the Probation Department.)**

Justification: With enactment of the 2011 Public Safety Realignment, the Probation Department assumed supervision for individuals released from prison under the newly created Post-Release Community Supervision (PRCS). In addition, responsibility for the revocation process for those in alleged violation of PRCS was shifted entirely to the courts and counties. The Los Angeles Superior Court, the District Attorney, and the Public Defender were provided funding outside the base realignment allocation for their roles in the revocation process. Prior to conducting revocation proceedings, however, probable cause must be determined through a probable cause hearing. In Los Angeles, those hearings will be conducted by the Probation Department and require staffing, such as hearing

officers and administrative staff, as well as, auxiliary support services such as: hearing rooms, security, and interpreters. However, no funding was identified either within the realignment allocation or separately for this responsibility. This policy would allow the County to support proposals that provide additional funding to probation departments to fulfill this role.

8. MENTAL HEALTH

12. ~~Support full and timely funding of Federally-mandated mental health services for special education students under the AB 3632 Program, and support restructuring of the program to transfer responsibility from counties to school districts.~~ **(Requested by the Department of Mental Health Services.)**

Justification: The Department of Mental Health Services indicates that this policy is no longer needed because the FY 2011-12 State Budget Act shifted AB 3632 Program services from counties to schools.

16. Support legislation to fully fund a complete continuum of mental health services, facility placements or housing options, and define a transition and linkage process for parolees released to the community including those on nonrevocable parole status **and Post-Release Community Supervision established by the 2011 Public Safety Realignment. (Requested by the Chief Executive Office with concurrence by the Department of Mental Health.)**

Justification: This policy would support funding for new mental health responsibilities transferred from the State to counties under the 2011 Public Safety Realignment.

10. SOCIAL SERVICES

10.2 CalWORKs

13. Support proposals that simplify the CalWORKs Child Care Program to increase access **to quality child care and programs that promote child development** and eliminate child care as a barrier to welfare-to-work activities and employment. **(Requested by the Department of Public Social Services)**

Justification: The recommended change is the result of Department of Public Social Services collaborative work with the CEO Office of Child Care and the Policy Roundtable for Child Care to pursue legislation that advances policies related to child care access and high-quality child care.

21. **Support proposals to restore and maintain funding for the Cal-Learn Program. (Requested by the Department of Public Social Services)**

Justification: The Department of Public Social Services indicates that the Cal-Learn Program provides case management and support services to pregnant and parenting teens and their babies. As a result of State Budget reductions for FY 2011-12, the Welfare and Institutions Code was amended to temporarily suspend funding for the Cal-Learn program from July 1, 2011 to June 30, 2012. This policy will allow the County to support proposals to restore funding for this program.

10.9 Veterans

1. Support proposals to increase efforts to reduce homelessness for veterans and their families, increase affordable housing, mental health services, **including treatment for post-traumatic stress disorder and traumatic brain injury, substance abuse treatment**, training, placement and employment opportunities, and provide other essential assistance to those who have honorably served in our armed forces. **(Requested by the Public Defender's Office with concurrence of Military and Veterans Affairs)**

Justification: The Public Defender's Office indicates that many returning and combat veterans suffer from specific mental health issues such as post-traumatic stress disorder and traumatic brain injury as a direct result of their military service. In addition, veterans have a high prevalence of substance use disorders. This policy adds specific reference to those issues that military veterans face and allows the County to support proposals to provide services to address these treatment needs.

11. TRANSPORTATION

7. ~~Support proposals that protect revenues received from the sales taxes on gasoline under Proposition 42 to ensure that these funds are used to fund transportation improvements.~~ **(Requested by the Department of Public Works)**

Justification: The Department of Public Works indicates that the FY 2010-11 State Budget Act replaced the sales tax on gasoline (Proposition 42) with an additional excise tax of 17.3-cent per gallon. This 17.3 cent excise fee is to be adjusted annually to generate revenues equal to what sales tax on gasoline would have generated. Therefore, this policy is no longer needed.

9. ~~Support legislation that extends the period of time to expend Proposition 1B transportation funds if the State defers Proposition 42 and/or Highway Users Tax Administration funds due to local governments.~~ **(Requested by the Department of Public Works)**

Justification: The Department of Public Works indicates that the FY 2010-11 State Budget Act allowed the extension of Proposition 1B bond funds expenditure

deadline by one additional year which will allow the department to exhaust all the Proposition 1B funds. Therefore, this policy is no longer required.

12. Oppose legislation to relinquish State highways to local agencies without the State first restoring them to good repair, and unless a **determination is made by the affected local agency that the roadway has general need for traffic circulation.** (Requested by the Department of Public Works)

Justification: The Department of Public Works indicates that the amended policy will allow the County to consider the benefit of the roadway as an addition to the County roadway network before any relinquishment of State maintained highways to the County can take place.

21. ~~Support proposals for a five-cent increase in the gasoline tax as an alternative to the State taking local government gasoline tax revenues as long as: 1) the increase expires within two years; and 2) the State distributes any additional revenue beyond what is needed to pay State transportation bond debt service according to the normal formula of 50 percent to the State and 50 percent to counties and cities (25 percent each).~~ **(Requested by the Department of Public Works)**

Justification: The Department of Public Works indicates that following the approval and enactment of fuel tax swap proposal under the FY 2010-11 State Budget Act, the sales tax on gasoline (Proposition 42) does not exist. The sales tax on gasoline revenue was replaced by an additional excise tax of 17.3-cent per gallon and the County is guaranteed the same amount of funding, as it received under Proposition 42, from the new excise tax of 17.3 cent per gallon. Therefore, this policy is no longer required.

23. **Support proposals that guarantee an equal amount of gas excise tax revenues from the State as received by the County under Proposition 42 of 2002.** (Requested by the Department of Public Works)

Justification: The Department of Public Works indicates the State Board of Equalization adjusts the new excise tax annually to generate the same amount of revenues that Proposition 42 of 2002 (sales tax on gasoline) would have generated. However, since gas prices and demand fluctuate throughout the year, the once-per-year adjustment to the new excise tax does not effectively reflect the same amount of revenues from Proposition 42. This policy will allow the County to support proposals to address this issue and work with the Administration, State Board of Equalization, State Controller, and the Department of Finance to explore ways that guarantee the hold harmless clauses of the enacted fuel tax swap proposal as part of the FY 2010-11 State Budget Act.

12. UTILITIES AND INFRASTRUCTURE

12.1 Energy

13. **Support legislation requiring the California Public Utilities Commission to require Investor Owned Utilities to establish separate Tariff Rates for newer high and ultra high efficient traffic and street fixtures such as Light-Emitting Diode (LED) signal lights and street lighting fixtures. (Requested by the Internal Services Department)**

Justification: The Internal Services Department indicates that the California Public Utilities Commission (CPUC) approves tariffs or sets costs which the Investor Owned Utilities may charge local agencies for various types of street lights and traffic signals which are not individually metered. The CPUC has not yet established a separate tariff or rate for LED traffic lights or LED street lights, which require less energy costs and much less frequent maintenance. Local agencies continue to pay the same monthly costs as if the traffic lights or street lights were the older, less energy efficient units. This policy would allow the County to support proposals to ensure tariffs, and local agencies bills, reflect the reduction in energy consumed by these newer more efficient lights.